

# Court of Appeals, State of Michigan

## ORDER

People of MI v Dominick Terron Nichols

Docket No. 355507

LC No. 2019-002294-FC

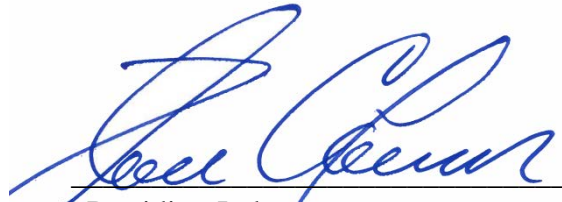
Thomas C. Cameron  
Presiding Judge

Elizabeth L. Gleicher

Michael J. Kelly  
Judges

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The motion for reconsideration is DENIED.

  
Presiding Judge

Gleicher, J., would grant the motion for reconsideration, would order counsel appointed, and would permit defendant to file a delayed application for leave to appeal. The record reflects that the trial court erred by refusing to appoint substitute counsel for defendant after his appointed counsel withdrew. Apparently appointed counsel failed to file a motion to withdraw in this Court, an error which has not been redressed. Had counsel properly filed a motion to withdraw in this court, this Court would have ordered the appointment of substitute counsel. Due to these errors, defendant has been deprived of an opportunity to pursue a delayed application for leave to appeal his sentence. Because it is evident that defendant seeks an opportunity for appellate review of his sentence *with the assistance of counsel*, I would construe his current motion as seeking reconsideration of the April 6, 2020 motion denying his request for substitute counsel. The gravamen of defendant's claim is that he wishes to pursue an application with the assistance of counsel; defendant's error in indicating that he seeks to file a delayed application of his judgment of sentence therefore should be disregarded.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

January 6, 2021  
Date

  
Chief Clerk